



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

**To:** Simsbury Zoning Commission

**From:** George K. McGregor, AICP

**Date:** July 17, 2023

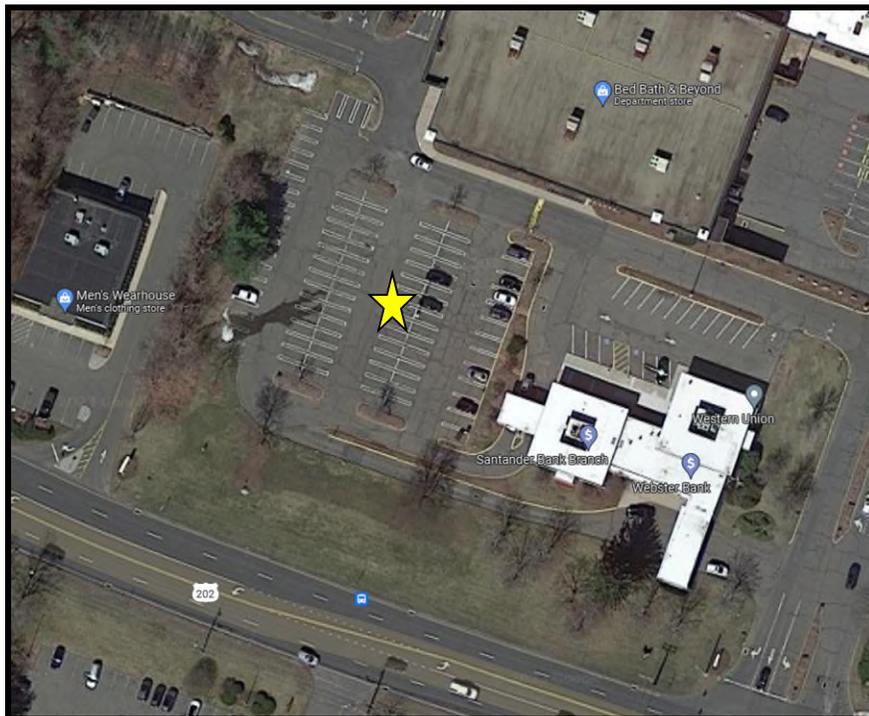
**RE:** ZC 23-26, 530 Bushy Hill Rd. Raising Cane's St. Site Plan and Special Exception

## Summary of Application

**Application ZC #23-26** of Raising Cane's Restaurant, LLC, Owner; T.J. Donohue, Applicant, for special exception and site plan approval pursuant to Section 4 for the construction of a  $\pm$  3,284 sq.ft. restaurant at 530 Bushy Hill Road (Assessor's Map B20 Block 508 Lot 001-B), zone B-3.

## Site Plan Summary

The Applicant proposes a 3,284 sq.ft. fast food restaurant with drive-thru at 530 Bushy Hill Rd., in the southwest quadrant of the Simsbury Commons retail development, in the existing parking lot between Men's Warehouse and Santander Bank.



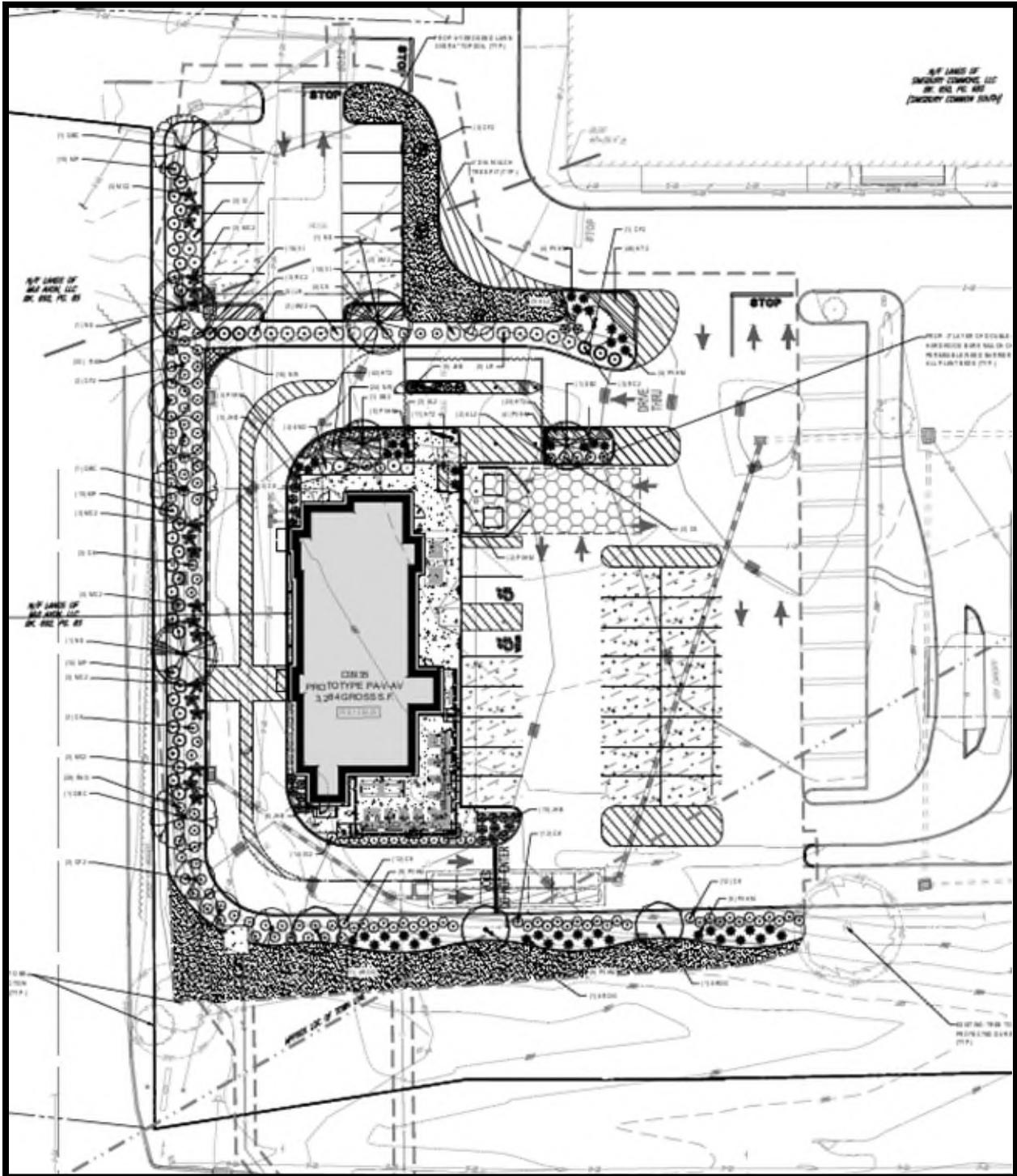
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8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Thursday  
8:30 - 1:00 Friday

The site design includes a drive thru (subject to a previously approved zoning variance for a side yard setback reduction) and a robust landscaping plan. The development reduces the impervious surface in the lease area from 83% to 57%. Although there is a reduction in overall development parking, a reduction from 873 to 781 is not expected to impact site parking demand due to evolving retail conditions.

### Site Plan



## Summary and Status of Issues, Staff Comments, and Referral Agency Review

Individual Town Referrals and Applicant Responses are attached to this memorandum.

**Town Engineering**—The Town Engineer has identified several minor issues related to internal traffic and technical stormwater items on site. The Applicant is working to substantially address these items. This correspondence is attached to the Staff Report.

**Fire Marshal**—The Fire Marshal has not submitted formal comments at the time of publication. Verbal comments indicate internal circulation patterns at Simsbury Commons. Staff is working to generate formal comments.

**Police**—No additional comments; no outstanding issues.

**WPCA**—The Application materials have been provided to WPCA.

## Design Review Board

On June 21, 2023, the Design Review Board recommended approval of the architectural design as submitted.



## Special Exceptions

1. Section 4.5, the Permitted and Special Exception use list, places *Restaurants* as a special exception use in the B-3 zone.

## Special Exception Criteria

Staff finds that the specific considerations for special exceptions, as found in Section 12 of the Town of Simsbury Zoning Regulations, have been met. Those considerations include:

**Orderly Development**—The pad location is appropriately located within a large, commercial retail development.

**Property Values**—It is expected that the redevelopment will have a positive impact on area property values.

**Public Safety**—The internal access and circulation proposed is not expected to have a negative impact on public safety.

**Traffic Considerations**—As the project location is interior to the existing retail development and circulation appears satisfactory, no negative impacts are expected on the area road network.

**Landscaping and Buffers**—The applicant has provided a robust landscaping plan.

**Relationship to Utility Systems, Drainage Systems, and Impact on Community Facilities**—Adequate facilities exist to serve the property.

### **Site Plan Criteria**

The Application substantially meets the site plan criteria identified in Section 11 of the Zoning regulations.

### **Staff Analysis**

This is an appropriate location for retail pad site development. The displacement of some parking spaces is not expected to effect parking demand at Simsbury Commons. Design Review has provided a positive recommendation and the project satisfies both site plan and special exception standards.

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## **Draft Motions**

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### **MOVED**

**The Zoning Commission APPROVES ZC 23-26, 530 Bushy Hill Rd., an application for a special exception and site plan pursuant to Section 4 and Section 11 of the Zoning regulations to permit a +-3,284 sq.ft. restaurant at 530 Bushy Hill Rd. (Assessor's Map B20 Block 508, Lot 001-B, in the B-3 Zone, subject to the following findings and conditions;**

### **Findings**

1. The project satisfies both site plan and special exception standards found in Section 11 and Section 4, respectively.

### **Conditions**

1. The project shall be developed in substantial conformance with the Site Plant Set dated 1/23/22, REVISED 7/7/23, prepared by Bohler Engineering
2. The project shall be developed in substantial conformance with the Architectural Plans dated 4/19/23, prepared by ADA Architects.
3. Prior to the issuance of a building permit for this project, the Applicant shall submit to the Town of Simsbury an Erosion & Sediment Control Bond, in a form acceptable to the Town, in the amount of \$8,000.
4. Prior to the release of any bonds for this project, the Applicant shall submit 2 sets of mylars and one paper set for signature and recordation.



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Department of Public Works - Engineering Division

## DESIGN REVIEW MEMORANDUM

June 15, 2023

**To:** George K. McGregor, AICP, Director of Community Planning and Development  
**From:** Adam D. Kessler, P.E., Deputy Town Engineer   
**Subject:** **Engineering Comments – Proposed Commercial Development  
#530 Bushy Hill Road**

The Engineering Department has reviewed the documents submitted as part of a Site Plan Application for development of 530 Bushy Hill Road received by this department on June 08, 2023:

1. Site Plan set titled “Proposed Restaurant w/ Drive-Thru”, prepared by Bohler revised June 08, 2023.
2. Drainage Report prepared by Bohler dated June 08, 2023.

The applicant has submitted plans to develop a portion of an existing plaza with a 3,200 SF Raising Cane’s building with associated paved parking areas, landscaping, utilities, and stormwater management.

The following comments are based on a review of the submitted materials and respectfully request that the applicant responds to all comments in writing with revised documents:

### General

1. The applicant shall provide all future correspondence with the State of Connecticut Office of State Traffic Administration (OSTA).
2. The applicant shall submit all revised plans to the WPCA. The review comments represent a preliminary review of the project design documents as noted above. Subsequent review(s) of plans and documents revised per these comments should be anticipated by the applicant.

### Site Layout and Traffic

3. Identify the use for the 12 separate parking spaces to the north of the proposed building. These parking spaces should have a connection via sidewalk and crosswalks, if applicable, for pedestrian traffic to the building(s) of which they are intended for.
4. A stop bar is proposed to be relocated to the north of the proposed parking lot with 12 parking spaces. This stop bar has an existing associated stop sign which is proposed to be removed. Provide the relocated location of this stop sign or compliance with MUTCD.
5. The construction entrance / anti tracking pad location shall be identified on Sheet C-601.

6. Two existing trees to the southwest of the proposed parking lot are proposed to remain and be protected during construction, as shown on Sheet C-701, although proposed contours are shown within the tree protection fence. The tree which appears to be affected shall be proposed to be removed or the grading should be adjusted appropriately.
7. Note on the plans that all line striping shall be epoxy resin or a slip-resistant material to avoid potential slip hazards at accessible spaces, crosswalks and/or crossings.
8. The two-lane ATM drive thru from the “Santander Bank” to the east will have egress from their site directly into the proposed parking lot. Additionally, a single lane exists to the south of that two-lane egress. Additional pavement markings and/or signage may be warranted to prevent future traffic conflicts.
9. The egress of the parking lot to the north appears to have two 10-foot wide lanes. If this is the intention, identify the lane with appropriate pavement markings.
10. Verify parking space count. Double row of 8 spaces includes a typo on Sheet C-301.
11. On Sheet C-301 a call-out for Note G exists on the plan but not the Legend. Verify all call-outs and revise accordingly.
12. Verify the use of Heavy-Duty Asphalt and include a detail for the heavy-duty pavement section.
13. A Turning Template shall be provided with the following Simsbury Fire Truck Vehicle Data:
 

Overall Length:	48.170 feet
Overall Width:	8.330 feet
Overall Body Height:	10.489 feet
Min Body Ground Clearance:	0.920 feet
Track Width:	8.330 feet
Lock-to-lock time:	6.00 seconds
Max Wheel Angle:	45.00 degrees
14. Revise the Zoning Table to include Directly Connected Impervious Area (DCIA).

Stormwater Design and Analysis

15. The proposed plan and analysis include the use of pervious pavement for several parking spaces. However, the stormwater report and geotechnical report indicates soils are not favorable for infiltration. As such, the use of pervious pavement is not recommended and should not be a factor in the analysis.
16. Add a detention area table to the report with pertinent information for each storm event analyzed such as; top of system, bottom of system, maximum water elevations, etc.
17. The isolator row should not be included in the HydroCAD report for detention as its purpose is for water quality treatment and not to control runoff.
18. Identify the location of the Stormceptor STC and provide an associated detail on the plan set.
19. The Outlet Control Structure (OCS-1) detail does not identify the 4” and 5” orifice as labeled on the plan set. Additionally, the detail shows an underdrain whereas the plan view does not show an underdrain.

20. Details should be provided for the proposed stormtech SC-740 chamber field and isolator row.
21. Provide a cross-section of the proposed detention facility. Include inlet elevation(s), outlet structure elevations, and all maximum water elevations for each storm analyzed.
22. Provide a detail for the proposed catch basins.
23. Provide a detail for the trench cross section for drainage pipes.

#### Site Utilities

24. The proposed grading for the site indicates a cut of six inches to up to three feet west of the building for the drive-thru lane. The existing water service and electric service to the plaza is located in this area and will likely require relocation to re-establish the appropriate depth. Note N on Sheet C-501 describes the water location as approximate with confirmation to be performed prior to construction. It is recommended that the design assumes relocation is necessary given the proposed grading. Alternatively, location/depth of the two existing utilities should be confirmed as part of finalizing the construction documents.

#### Simsbury Water Pollution Control

25. For all 6-inch laterals, a minimum of 2% slope is required.
26. The grease trap shall meet the requirements of the State of CT General Permit for the Discharge Associated with Food Service Establishments. Submittals for the grease trap must be approved by the WPCA prior to installation.
27. All pipes shall be designed to withstand an HS-20 highway loading and existing sub-surface conditions. For rigid pipes, the desired minimum cover to sub-grade in unpaved locations shall be 42-inches (1.1-M). For rigid pipes, desired minimum cover to sub-grade in locations where the pipe is subject to vehicular loads is 4-feet (1.2-M). Where the depth of the public sewer main is such that the 4-foot minimum depth below the top of grade elevation cannot be attained, the sewer shall be covered with at least 4-inches (10.1-cm) of concrete or shall be Ductile Iron Pipe Class 52 or Reinforced Concrete Pipe, Class V with an approved coating.
28. The developer is advised that a facility connection charge (FCC) will be due prior to the issuance of a Certificate of Occupancy.
29. The developer is advised that a \$150.00 lateral installation permit must be applied for with the WPCA prior to work on the external sanitary sewer

The favorable recommendation is subject to resolution of these outstanding comments to the satisfaction of the Engineering Department prior to final sign-off of the project.

July 7, 2023

Adam D. Kessler, P.E.  
Town of Simsbury, Department of Public Works  
933 Hopmeadow Street  
Simsbury, CT 06070

**Re: Engineering Comments – Proposed Commercial Development, #530 Bushy Hill Road**

Dear Mr. Kessler:

Bohler Engineering is in receipt of a comment letter from Town of Simsbury Department of Public Works, Engineering Division dated June 15, 2023. On behalf of Applicant #530 Bushy Hill Road, Bohler offers the following responses. For clarity, the original comments are in *italics*, while our responses are directly below in **bold** type.

### **General Comments**

*Comment # 1 The applicant shall provide all future correspondence with the State of Connecticut Office of State Traffic Administration (OSTA).*

**Response: Acknowledged.**

*Comment #2 The applicant shall submit all revised plans to the WPCA. The review comments represent a preliminary review of the project design documents as noted above. Subsequent review(s) of plans and documents revised per these comments should be anticipated by the applicant.*

**Response: Acknowledged.**

### **Site Layout and Traffic Comments**

*Comment #3 Identify the use for the 12 separate parking spaces to the north of the proposed building. These parking spaces should have a connection via sidewalk and crosswalks, if applicable, for pedestrian traffic to the building(s) of which they are intended for.*

**Response: This parking lot is to be utilized by employees and overflow for the proposed restaurant. Sheet C-301, Site Layout Plan has been revised to include sidewalks and a crosswalk.**

*Comment #4 A stop bar is proposed to be relocated to the north of the proposed parking lot with 12 parking spaces. This stop bar has an existing associated stop sign which is proposed to be removed. Provide the relocated location of this stop sign or compliance with MUTCD.*

**Response: A callout for the relocated stop sign has been provided on Sheet C-301, Site Layout Plan.**

*Comment #5 The construction entrance / anti tracking pad location shall be identified on Sheet C-601.*

**Response: Existing Asphalt drive to be utilized as construction entrance. Access to the bank needs to be maintained.**

*Comment #6 Two existing trees to the southwest of the proposed parking lot are proposed to remain and be protected during construction, as shown on Sheet C-701, although proposed contours are shown within the tree protection fence. The tree which appears to be affected shall be proposed to be removed or the grading should be adjusted appropriately.*

**Response: One existing tree has been removed from the landscape plan as there is only one tree based on site photos. The tree protection fence for the tree to remain has been updated on Sheet C-701, Landscape Plan.**

*Comment #7 Note on the plans that all line striping shall be epoxy resin or a slip-resistant material to avoid potential slip hazards at accessible spaces, crosswalks and/or crossings.*

**Response: Note has been added to Sheet C-301, Site Layout Plan.**

*Comment #8 The two-lane ATM drive thru from the "Santander Bank" to the east will have egress from their site directly into the proposed parking lot. Additionally, a single lane exists to the south of that two-lane egress. Additional pavement markings and/or signage may be warranted to prevent future traffic conflicts.*

**Response: Acknowledged, applicant is coordinating with the adjacent parcel to relocate the banks directional signage.**

*Comment #9 The egress of the parking lot to the north appears to have two 10-foot wide lanes. If this is the intention, identify the lane with appropriate pavement markings.*

**Response: Pavement markings have been revised to display a "left only" and "right only" at the egress of the parking lot. See Sheet C-301, Site Layout Plan.**

*Comment #10 Verify parking space count. Double row of 8 spaces includes a typo on Sheet C-301.*

**Response: The Zoning Analysis table has been revised to display 36 parking spaces Sheet C-301, Site Layout Plan.**

*Comment #11 Sheet C-301 a call-out for Note G exists on the plan but not the Legend. Verify all call-outs and revise accordingly.*

**Response:** Legend has been updated to state “Proposed Conc. Walk” for the callout G on Sheet C-301, Site Layout Plan.

*Comment #12 Verify the use of Heavy-Duty Asphalt and include a detail for the heavy-duty pavement section.*

**Response:** Heavy Duty Asphalt Detail has been added to Sheet C-901, Detail Sheet.

*Comment #13 A Turning Template shall be provided with the following Simsbury Fire Truck Vehicle Data:*

*Overall Length: 48.170 feet  
Overall Width: 8.330 feet  
Overall Body Height: 10.489 feet  
Min Body Ground Clearance: 0.920 feet  
Track Width: 8.330 feet  
Lock-to-lock time: 6.00 seconds  
Max Wheel Angle: 45.00 degrees*

**Response:** Turning Template, TR-01, has been provided to display the Simsbury Fire Truck the dimensions provided above.

*Comment #14 Revise the Zoning Table to include Directly Connected Impervious Area (DCIA).*

**Response:** Please confirm the section of the Zoning Regulations that this can be found.

## **Stormwater Design and Analysis Comments**

*Comment #15 The proposed plan and analysis include the use of pervious pavement for several parking spaces. However, the stormwater report and geotechnical report indicates soils are not favorable for infiltration. As such, the use of pervious pavement is not recommended and should not be a factor in the analysis.*

**Response:** The stormwater system was designed without taking infiltration credit for the pervious pavement. The addition of pervious pavement was to reduce the impervious lot coverage in order to maintain the existing non conformity.

*Comment #16 Add a detention area table to the report with pertinent information for each storm event analyzed such as; top of system, bottom of system, maximum water elevations, etc.*

**Response:** Detention Area table has been added to the Drainage Report.

*Comment #17 The isolator row should not be included in the HydroCAD report for detention as its purpose is for water quality treatment and not to control runoff.*

**Response:** Pond modeling in HydroCAD for underground detention basins always includes the volume of the isolator row. As discussed with ADS, isolator rows provide water quality treatment, but they do also control stormwater runoff. See excerpt from their website: “[StormTech Isolator Row PLUS] ...is a filter strip that provides enhanced suspended solids and pollutant removal while providing surface area for infiltration

and runoff reduction.” Isolator Ros Mass Calculation shave been provided in Appendix E of the Drainage Report.

*Comment #18 Identify the location of the Stormceptor STC and provide an associated detail on the plan set.*

**Response:** Call out on Sheet C-401, Grading and Drainage Plan has been updated and detail has been added for a Barracuda Max S3, to Sheet C-903, Detail Sheet.

*Comment #19 The Outlet Control Structure (OCS-1) detail does not identify the 4” and 5” orifice as labeled on the plan set. Additionally, the detail shows an underdrain whereas the plan view does not show an underdrain.*

**Response:** OCS-1 Detail has been revised on Sheet C-902, Detail Sheet. An underdrain has been added on Sheet C-401, Grading and Drainage Plan.

*Comment #20 Details should be provided for the proposed stormtech SC-740 chamber field and isolator row.*

**Response:** Detail for the Stormtech SC-740 has been added to Sheet C-902, Detail Sheet.

*Comment #21 Provide a cross-section of the proposed detention facility. Include inlet elevation(s), outlet structure elevations, and all maximum water elevations for each storm analyzed.*

**Response:** Cross Section of the proposed detention facility has been added to Detail Sheet C-903 with elevations.

*Comment #22 Provide a detail for the proposed catch basins.*

**Response:** Detail for the proposed Catch Bains has been added to Sheet C-902, Detail Sheet.

*Comment #23 Provide a detail for the trench cross section for drainage pipes.*

**Response:** Detail for the proposed trench for Stormwater Pipe has been added to Sheet C-902, Detail Sheet.

## Site Utility Comments

*Comment #24 The proposed grading for the site indicates a cut of six inches to up to three feet west of the building for the drive-thru lane. The existing water service and electric service to the plaza is located in this area and will likely require relocation to re-establish the appropriate depth. Note N on Sheet C-501 describes the water location as approximate with confirmation to be performed prior to construction. It is recommended that the design assumes relocation is necessary given the proposed grading. Alternatively, location/depth of the two existing utilities should be confirmed as part of finalizing the construction documents.*

**Response:** Acknowledged, location and depth will be confirmed prior to completion of Construction Documents. If determined adequate coverage cannot be maintained over the existing water line, it will be reset as needed. Additional note has been added to Sheet C-501, Utility Plan.

## Simsbury Water Pollution Control Comments

*Comment #25 For all 6-inch laterals, a minimum of 2% slope is required.*

**Response:** Inverts have been updated on Sheet C-501, Utility Plan.

*Comment #26 The grease trap shall meet the requirements of the State of CT General Permit for the Discharge Associated with Food Service Establishments. Submittals for the grease trap must be approved by the WPCA prior to installation.*

**Response:** Acknowledged, plans will be provided to the WPCA for review as noted above.

*Comment #27 All pipes shall be designed to withstand an HS-20 highway loading and existing sub-surface conditions. For rigid pipes, the desired minimum cover to sub-grade in unpaved locations shall be 42-inches (1.1-M). For rigid pipes, desired minimum cover to sub-grade in locations where the pipe is subject to vehicular loads is 4-feet (1.2-M). Where the depth of the public sewer main is such that the 4-feet minimum depth below the top of grade elevation cannot be attained, the sewer shall be covered with at least 4-inches (10.1-cm) of concrete or shall be Ductile Iron Pipe Class 52 or Reinforced Concrete Pipe, Class V with an approved coating.*

**Response:** Acknowledged.

*Comment #28 The developer is advised that a facility connection charge (FCC) will be due prior to the issuance of a Certificate of Occupancy.*

**Response:** Acknowledged.

*Comment #29 The developer is advised that a \$150.00 lateral installation permit must be applied for with the WPCA prior to work on the external sanitary sewer.*

**Response:** Acknowledged.

We trust the above as well as the attached information are sufficient for your review of the project. Should you have any questions or require additional information, please do not hesitate to contact me at (860) 333-8900. Thank you.

Sincerely,  
**Bohler Engineering MA, LLC**

  
Jeff Bord, P.E.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

## MEMORANDUM

TO: File ZC 23-26, 530 Bushy Hill Rd., Raising Cane's

FROM: George K. McGregor, AICP, Director

DATE: June 22, 2023

SUBJECT: Design Review Board Action

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At a special meeting on June 21, 2023, the Design Review Board forwarded a positive recommendation to the Zoning Commission on the above referenced application, subject to the architectural plans dated 4-19-23, prepared by ADA Architects.

The recommendation does not include the illustrative signage shown on the architectural drawing; they must be submitted and reviewed separately.

### Attachments

1. ADA Architects Plan sheets EL-1, EL-2, dated 4-19-23